

## **TOWN OF AMHERST BOARD OF HEALTH**

### **Virtual Meeting using Zoom**

**September 9, 2021**

Board of Health members participating: Steve George, Nancy Gilbert (Chair), Maureen Millea, and Timothy Randhir.

Staff member: Jennifer Brown, Acting Health Director

The meeting opened at 5:00 PM.

As required by State Open Meeting rules for boards that meet online during the pandemic, the meeting began with a roll call which confirmed that all four Board members listed above were present.

### **Review and Receive**

#### **1. Minutes of the August 12 meeting**

These minutes were approved as drafted.

### **Old Business**

#### **1. Amherst College Institutional Biosafety Committee (IBC)**

The Board has been asked to modify the Town's regulation of local IBCs to allow people from nearby towns to serve on the Amherst College IBC. Chair Nancy Gilbert suggested that the Board review the whole regulation, which has not been revised since 2008. Members agreed to put this on the agenda for the October meeting.

#### **2. Racism as a public health crisis**

Several changes in the wording of the Board's draft statement on racism were discussed. Timothy Randhir then moved that the Board adopt the Statement on Racism and Public Health with these modifications. Mr. George seconded the motion, which was **VOTED 4 – 0** by a roll call vote with all members present and voting.

#### **3. New member update**

Nancy Gilbert said that interviews with a candidate for Board membership will be held soon.

### **New Business**

#### **1. Review of Board of Health and Health Department webpage**

Jennifer Brown reported on upgrades she is making to health-related webpages on the Town's website. She is adding updates on Health Department vaccination clinics to the COVID webpage that lists case counts and vaccination information. There will also be a link to town vaccination data, including a spreadsheet that estimates the true rate of vaccination, taking into account college students who are counted as Amherst residents but who have probably been vaccinated in their home communities. Ms. Brown also said that a new volunteer, Juana Trujillo, is helping the Health Department particularly with outreach to Hispanic Amherst residents.

(The agenda item on a pesticide bill in the state legislature was postponed until later in the meeting.)

## Director's Report

### 1. COVID update

#### (a) Review of COVID data in regards to mask order

Because of a dramatic increase in the number of new COVID cases in Amherst during the past several days, the Board considered what action to take.

Jennifer Brown reported on the current spike in COVID incidence: 163 new cases since September 1 with most of these during the past 2 days. The total number of Amherst cases since the pandemic began is 3,073. The great majority of recent cases are in the 20 – 25 age group. Contact tracing of current cases indicates that attendance at local bars is contributing to the spread of the virus in Amherst. Ms. Brown noted that UMass does not require COVID testing for vaccinated students who are asymptomatic, so the prevalence may be higher than we know. She said there needs to be a low threshold for reporting symptoms. Also, the Board should consider ways to reduce spread of COVID in bars and restaurants. She praised the cooperation of members of the business community in Amherst and said she wants to continue to work with them.

The Board discussed whether to amend Amherst's current mask mandate, which requires masks to be worn indoors in places open to the public except when a person is eating or drinking. This rule allows masks to come off when people are standing at a bar, where crowded conditions can cause a high likelihood of COVID transmission. Jennifer Brown's suggestion, endorsed by Nancy Gilbert, was to amend the mask mandate to permit masks to be taken off only when people are seated and eating or drinking, in other words to add the requirement to be seated in order to be able to remove one's mask. Health Inspector Ed Smith, who had consulted with Building Commissioner Rob Morra, explained that if bars added the largest number of possible tables to seat patrons, it would reduce the maximum number of patrons in each establishment by about 20%. Ms. Brown said that even though this reduction in density is not large, the configuration of unmasked people sitting in a group around a table with backs turned to others, rather than standing and mingling face-to-face with others at a bar, should substantially reduce the probability of transmission.

The meeting was opened for public comment. Rasif Rafiq (Bistro 63/Monkey Bar) said that the proposed restriction will adversely affect his business, adding to difficulties they and others have experienced during the past 18 months. He asked the Board to consider the current consequences of infection, which for vaccinated people appear to be less serious than in previous COVID waves, before enacting mandates that hurt businesses. Peter, an Amherst resident, approved of tightening mask requirements at bars. He recommended pressuring UMass to test asymptomatics, and to consider a mask requirement for large outdoor events, though he realized the Board does not have jurisdiction on the UMass campus. Tom Walsh (The Harp) said two years of COVID and mandates have been hard on his business. He said the Town should clamp down on large student parties if we are serious about COVID transmission. He predicted that when parties are uncontrolled, students will simply migrate to them if bars are restricted. Kara Fabry (The Spoke) said her business has not had a net profit for the past year and a half. Further mandates may result in the business shutting down. She reiterated that it does not seem fair to leave student parties unregulated while clamping down on bars. State Representative Mindy Domb reported that she and State Senator Joanne Comerford are seeking to increase capacity for community testing of COVID. She also said that masks are known to reduce COVID transmission and should be required when feasible.

The Board discussed how to stop the spread of COVID in the community from becoming explosive while doing everything possible not to harm local businesses. Members said it was important to protect those who cannot be vaccinated. At present this includes everyone under 12 years of age, for whom COVID vaccines have not yet been authorized. Some Amherst children in this age group have in fact become symptomatic with COVID disease. Concern was also expressed for employees in bars and

other venues. Also the contact tracing of current cases points specifically to bars as a major site of transmission. One suggestion was to explore whether liquor license fees could be reduced to acknowledge the impact of mask mandates. After discussion, Maureen Millea made the following motion, which was seconded by Steve George:

The Board of Health amends the Mask Order in effect August 18, 2021 to change the exception that reads "Persons at a restaurant, bar or venue, when eating or drinking" to "Persons at a restaurant, bar or venue, when seated and eating or drinking."

The motion was **VOTED 4 – 0** by a roll call vote with all members present and voting.

### **New Business (cont.)**

#### **2. Discussion of support of Bill H.926: An Act relative to improving pesticide protections for Massachusetts schoolchildren**

Amherst resident Lenore Bryck brought this issue to the Board. The bill would limit the use of pesticides in outdoor grounds of schools, child care centers or school age child care programs to only those pesticides considered minimum risk by the EPA and those approved for organic landcare. Ms. Bryck said that formal approval by the Board of Health would amplify the message of those aiming to eliminate the application of toxic pesticides near schools. Nancy Gilbert said that public schools in Amherst already use an integrated pest management approach consistent with what the proposed law permits. She also noted that the current Amherst regulations on the use of toxic chemicals date from 2001, and it is time for the Board to review it. Rep. Mindy Domb is vice-chair of the of the relevant committee in the state legislature (the Joint Committee on Environment, Natural Resources and Agriculture); she and Sen. Comerford will be informed if the Board supports the bill. Mr. George moved that the Board supports the passage of bill H. 926 on pesticide use near schools. Dr. Millea seconded the motion, and it was **VOTED 4 – 0** with all members present and voting via roll call vote.

### **Director's Report (cont.)**

#### **1. COVID update (b) Update on pending grants**

Jennifer Brown said that two grant applications that had been sent to State agencies in June were not submitted properly and so are not under consideration.

#### **2. Water update**

Ms. Brown reported that tests found no detectable PFAS in Amherst water.

### **Topics not anticipated by the chair 48 hours prior to the meeting**

The School Board and School Department asked the Board to consider requiring public school students in Amherst to receive a COVID vaccination as a condition of attendance, with the same exceptions (medical and religious) that are allowed for other required vaccinations. Superintendent Michael Morris joined the meeting to answer questions. The current national vaccine situation is that the Pfizer vaccine has full FDA approval for everyone over 16 years of age. It is expected that vaccination for ages 12-15 will receive approval soon. All Board members supported the vaccination requirement. The consensus was that the requirement should apply only to vaccines and ages that have full FDA approval, rather than just emergency authorization. After some discussion about including in the Board's vote a date for the requirement to be effective, the consensus was to leave it up to the School Board and School Department.

Steve George made the following motion, which was seconded by Timothy Randhir:

The Board of Health adds vaccination against COVID-19, using vaccines that have received full FDA approval, to the list of vaccinations that are required (except for medical or religious exceptions) for students to attend public schools in Amherst.

The motion was **VOTED 4 – 0** by a roll call vote with all members present and voting.

The Board's next meeting will be on October 14.

The meeting was adjourned at 7:37 PM.

Respectfully submitted,

Steve George